



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 6, 1996

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR96-2050

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102116.

The Texas Department of Public Safety (the "department") received a request for "three duplicate original photographs from the negatives of photos" concerning a traffic accident which occurred on August 20, 1996. You assert that the requested information is excepted from required public disclosure under sections 552.103 and 552.108 of the Government Code.

Pursuant to section 552.301(b)(3), a governmental body is required to submit to this office a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the information. You did not, however, submit to this office copies or representative samples of the specific information that was requested.

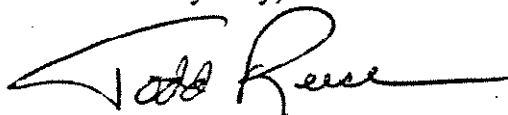
Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile on September 17, 1996 that you had failed to submit the information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that, under section 552.303(e), failure to comply would result in the legal presumption that the information at issue was presumed public.

You did not provide our office with the information that was requested. Therefore, as provided by section 552.303(e), the information that is the subject of this request for information is presumed to be public information. Information that is presumed public must

be released unless a governmental body demonstrates a compelling interest to withhold the information to overcome this presumption. *See Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to Gov't Code § 552.302); Open Records Decision No. 319 (1982).

In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. *See also* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense). If you have any questions regarding this matter, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Todd Reese", with a stylized, flowing script.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref.: ID# 102116

cc: Mr. M. Randall Hicks  
Barger & Moss, L.L.P.  
800 N. Shoreline Blvd., Suite 2000 North Tower  
Corpus Christi, Texas 78401